



The  
THE FAMILY LAW SECTION  
respectfully submits the following position on:

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HB 4161

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan. To date, the State Bar's does not have a position on this matter.

The Family Law Section opposes this bill.

The total membership of the Family Law Section is 2,675.

The position was adopted after review and discussion by the Family Law Section's Council by voice vote. The number of members in the decision-making body is 21.

## Family Law Section

April 20, 2005

The Honorable William VanRegenmorter, Chairman  
House Judiciary Committee  
Michigan House of Representatives  
P. O. Box 30014  
Lansing, MI 48909

RE: HB 4161

Dear Representative VanRegenmorter:

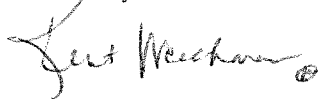
At its March, 2005 Council meeting, the Family Law Section of the State Bar of Michigan discussed HB 4161 introduced by Representative Pastor. This legislation would repeal part of the Acknowledgement of Paternity act (MCL 722.1006) which provides: "After a mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed by the parties in writing."

This provision is not a legal presumption in favor of the mother in the event of a custody dispute, but it prevents physical fights over possession of babies after the parents sign an acknowledgement of paternity (at the hospital, for example). If this provision is repealed, a newborn would be up for grabs as soon as a paternity acknowledgement was signed by both parties. It may be true that good fathers would never just grab their child and run, but this bill would allow bad fathers to do so.

The Council does not oppose a modification of the current statute to clarify that there is no legal presumption in favor of the mother in a custody dispute, but the council voted to oppose this bill.

As always, the Family Law Council is willing to work with your committee on this, or any Family Law related matter. Thank you.

Sincerely,



Kent Weichman, Legislative Chair  
Family Law Section State Bar of Michigan

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